

Amendments to the Drawings:

The attached drawing sheets, annotated drawing sheet three of four (“3/4”), and replacement drawing sheet 3/4 includes Figs. 4, 5, 6, and 7. The changes shown in annotated drawing sheet 3/4 (and included in replacement drawing sheet 3/4) include changes to Figs. 4 and 5 which are:

For Fig. 4, the sign line, reference numeral, and location of the bottom surface 78 have been added; the sign line, reference numeral, and location of the top surface 80 have been added; and the sign line, reference numeral, and location of the concave ergonomic support surface 82 have been added.

For Fig. 5, the sign line, reference numeral, and location of the bottom surface 78 have been added; the sign line, reference numeral, and location of the top surface 80 have been added; and the sign line, reference numeral, and location of the concave ergonomic support surface 82 have been added.

No new matter has been added by way of amendments to the drawings.

Attachments: Replacement Sheet
Annotated Sheet

Remarks/Arguments

This Response is provided in response to a non-final Office Action mailed September 15, 2005, in which claims 2-7 were rejected under 35 U.S.C. §112, second paragraph, and further rejected claims 1-21 under 35 U.S.C. §102(b) as being anticipated by prior art.

Claim Amendments

The Applicant has provided amendments to claims 1, 2, 8, 9, 15, and 16 in response to the non-final Office Action mailed September 15, 2005. The amendments do not narrow the scope of claims but rather have been made to more clearly point out and distinctly the subject matter considered by the Applicant as the invention. Further, no new matter has been introduced by the claim amendments and support for the amendments may be found by viewing FIGS. 4 and 5 along with page nine of the specification.

Rejection of Claims 2-7 Under 35 U.S.C. §112

The Office Action rejected claims 2-7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

To obviate this rejection, amended claims 2, 9, and 16 to recite ... "the centerline of the main body portion," rather than ... "a lateral centerline of the main body portion."

Rejection of Claims 1-21 Under 35 U.S.C. §102(b)

The Office Action rejected claims 1-21 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,967,006 issued to George Hillinger, October 19, 1999 (Hillinger '006).

Anticipation means a lack of novelty, and is a question of fact which is reviewed by the reviewing court using a substantial evidence standard. *Brown v. 3M*, 60 USPQ2d 1375 (Fed. Cir. 2001); *Baxter Int'l, Inc. v. McGaw, Inc.*, 47 USPQ2d 1225 (Fed. Cir. 1998). To anticipate a claim, every limitation of the claim must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 58 USPQ2d

1286 (Fed. Cir. 2001). *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S.Ct. 1831 (2002). Each such limitation must be found either expressly or inherently in the prior art reference. *Schering Corporation v. Geneva Pharmaceuticals, Inc.*, 02-1540, Decided August 1, 2003 (Fed. Cir. 2003).

Hillinger '006 fails to identically show the claim limitation of: “an appendage support member projecting laterally from the main body portion, the appendage support member comprising a top surface that provides a concave recess wherein a principle axis of the concave recess passing through a center of curvature and a vertex of the concave recess is substantially perpendicular to and offset from a centerline of the main body portion, and a substantially continuous convex shaped bottom surface configured to provide a ergonomic support surface for an appendage of a user.” of claims 1, 8, and 15. Therefore, Hillinger '006 fails to provide a basis for an anticipation rejection under 35 U.S.C. § 102(b) of independent claims 1, 8, and 15.

By viewing FIGS. 1-4 of Hillinger '006, it is clear that Hillinger '006 shows an appendage support member 16 that provides a concave recess 28 on both the top and bottom surface. It would appear the concave recesses provided on both the top and bottom surface accommodate a thumb of a user, such that when the user places their thumb on, for example, the top concave recess, the user can apply an increased torsional force to a tool operating in a clockwise rotational direction; and when the user places their thumb on the bottom concave recess, the user can apply increased torsional force to the tool operating in a counter-clockwise rotational direction. Therefore, Hillinger '006 fails to anticipate independent claims 1, 8, and 15, because every limitation within each independent claim is not found in Hillinger '006, nor are the elements of Hillinger '006 arranged in accordance with the claimed invention.

Accordingly, the Applicant requests withdrawal of the rejection of claims 1-21 under 35 U.S.C. §102(b), and passage of same to allowance.

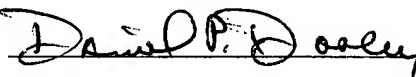
Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the non-final Office Action mailed September 15, 2005.

The Applicant submits that the amendments to the specification, drawings, and claims do not add new matter, distinguish the present invention from all prior art of record, and serves to place the instant Application for Letters Patent in condition for allowance, and accordingly requests the Examiner to pass Patent Application Serial No. 10/822,286 to allowance.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorney.

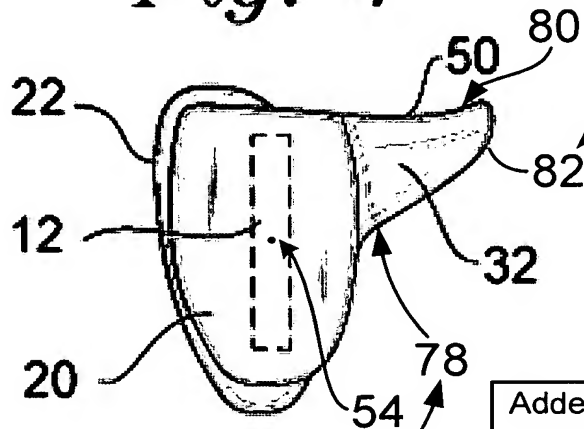
Respectfully submitted,

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Added sign line, reference numeral, and location of top surface 80.

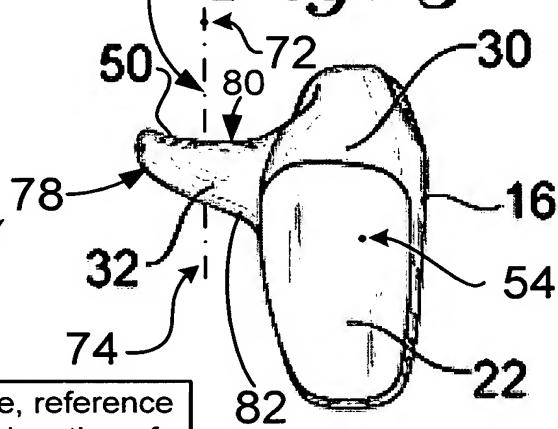
Fig. 4



Added sign line, reference numeral, and location of concave ergonomic support surface 82.

Added sign line, reference numeral, and location of top surface 80.

Fig. 5



Added sign line, reference numeral, and location of bottom surface 78.

Added sign line, reference numeral, and location of concave ergonomic support surface 82.

Fig. 6

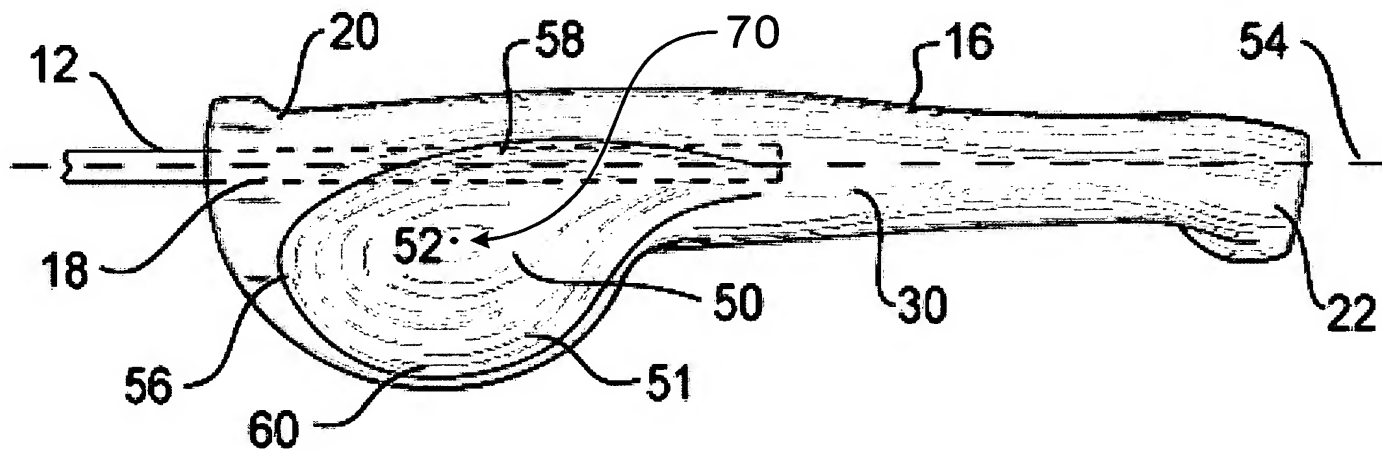


Fig. 7

